

DRAFT MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
MARCH 25, 2009

SPECIAL MEETING

Darien Town Hall - Room 213 - 7:25 to 7:45 PM

ZBA members present: Vic Capellupo, Gary Greene, Jeff Williams, John Ashburne, and Polly Davis

Staff Present: Code Compliance Officer Robert Woodside and Town Counsel John Louizos

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to go into a Special Meeting Executive Session in order to discuss pending litigation with Town Counsel John Louizos. The proposed terms of a settlement of the Millers appeal of ZBA approval of Fine Builders LLC application No. 54 -2008 were reviewed. Upon a motion by Vic Capellupo, seconded by Gary Greene, the ZBA voted 5-0 to go out of Executive Session.

REGULAR MEETING

Darien Town Hall - Room 206 - 7:50 to 9:50 PM

ZBA members present: Vic Capellupo, Gary Greene, Jeff Williams, John Ashburne, Polly Davis, and Al Tibbetts

Staff Present: Code Compliance Officer Robert Woodside and Recorder Bonnie Syat

ZBA Chair Vic Capellupo opened the Regular Meeting at 7:50 PM. He explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

OTHER BUSINESS

Upon a motion by Gary Greene, seconded by John Ashburne, based on the reviewed settlement terms, the ZBA voted 5-0 to authorize Town Counsel John Louizos to settle the pending litigation of the Millers appeal of ZBA approval of Fine Builders LLC application No. 54 -2008. Vic Capellupo, Gary Greene, Jeff Williams, John Ashburne, and Polly Davis voted in favor of the motion.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued with various plans and submitted application materials reviewed, correspondence considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 5-2009 - the application of Neil Hauck, AIA on behalf of Nassau Mansfield Avenue LLC filed on February 18, 2009 for interpretations of Sections 334 and 385 and (if necessary), variances of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story dwelling. Section 385: a determination that the subject lot is a legal nonconforming building lot with 13,867 in lieu of 14,520 square feet minimum required lot size; and Sections 334 and 406: construction on a building lot with 67.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the west side of Mansfield Avenue approximately 200 feet north of the intersection of Mansfield Avenue and Sedgewick Avenue and is shown on Assessor's Map #17 as Lot #14, being 49 Mansfield Avenue and located in an R-1/3 (residential) Zone.

Neil Hauck answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Robert Hill questioned one aspect of the application. The Public Hearing was then closed.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, correspondence considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 6 -2008 - The application of Brian Lovegrove filed on February 18, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of HVAC equipment; Section 406: 24.1 in lieu of 20.0% maximum allowable building coverage. The property is situated on the north side of West Avenue approximately 75 feet west of the intersection of West Avenue and Charles Street and is shown on Assessor's Map #23 as Lot #73, being 320 West Avenue and located in an R-1/5 (residential) Zone.

Robert Lovegrove answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 8 -2008 - The application of William J. Hennessey, Jr., Esq. on behalf of Normandy Darien Holdings LLC, Normandy Real estate Partners LLC and Darien Green filed on February 18, 2009 for variances of Sections 925.1c,

715.5, and 928.1 of the Darien Zoning Regulations, to allow the construction/installation of two monument/ground signs; Section 925.1c: 6 in lieu of 4 inches maximum allowable letter height; and Sections 715.5 and 928.1: 1.5 in lieu of 30.0 feet minimum required front yard setback from the Boston Post Road property line; and 2.9 in lieu of 30.0 feet minimum required front yard setback from the Old Kings Highway North property line. The property is situated on the southeast side of Boston Post Road and the north side of Old Kings Highway North with separate driveways located on Boston Post Road approximately opposite Birch Road and on Old Kings Highway North approximately 300 feet east of the intersection of Boston Post Road and Old Kings Highway North and is shown on Assessor's Map #32 as Lots #10, 16 and 20 being 320-330 Boston Post Road and located in an O-B (commercial) Zone. Liz Suchy, Chris Adams, and Jennifer Palestri answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 9 -2008 - The application of James Hines on behalf of Archibald Russell filed on April 23, 2008 for a variance of Section 334 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story residence; Section 334: construction on a building lot with 140.0 in lieu of 150.0 feet minimum required lot width. The property is situated on the west side of Libby Lane approximately 250 feet north of the intersection of Middlesex Road and Libby Lane and is shown on Assessor's Map #9 as Lot #53, being 10 Libby Lane and located in an R-1 (residential) Zone. James Hines answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 10 -2008 - The application of Scott M. and Julie L. Johnston filed on February 18, 2009 for variances of Sections 384 and 406 of the Darien Zoning Regulations, to allow the construction of second story, attic story, and one and one half story additions; Section 384: expansion of the residence structure in a non-conforming location; and Section 406: 36.1 in lieu of 40.0 feet minimum required front yard setback and 43.6 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Beach Drive; and 6.9 in lieu of 40.0 feet minimum required front yard setback and 31.9 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Outlook Drive for the second and attic story additions; and 22.4 in lieu of 40.0 feet minimum required front yard setback and 47.4 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Outlook Drive for the one and one half story addition. The property is situated on the east side of Beach Drive at the southeast corner formed by the intersection of Beach Drive

and Outlook Drive and is shown on Assessor's Map #52 as Lot #97, being 27 Beach Drive and located in an R-1/2 (residential) Zone.

Scott Johnston, Julie Johnston, and Joseph Gluse answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 11 -2008 - The application of Marek Kaminski filed on February 18, 2009 for variations of Sections 406 of the Darien Zoning Regulations and an amendment to the approved plans of Calendar No. 70-2006 to allow the existing, two and one-half story, enlarged residence with HVAC equipment to remain; Section 406: 4.13 in lieu of 10.98 feet minimum required side yard setback relative to the north property line, 14.02 in lieu of 20.87 feet minimum required side yard setback relative to the south property line, and 18.15 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the east side of Fairfield Avenue approximately 350 feet north of the intersection of Fairfield Avenue and West Avenue and is shown on Assessor's Map #20 as Lot #130, being 14 Fairfield Avenue and located in an R-1/3 (residential) Zone. Marek Kaminski answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on April 22nd.

CALENDAR NO. 7 -2008 - The application of Michael Wallach on behalf of Randall & Po Sau Tam filed on February 18, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the previously constructed pool and spa to remain; Section 406: 47.8 in lieu of 50.0 feet minimum required rear yard setback for the pool; and 46.4 in lieu of 50.0 feet minimum required rear yard setback for the spa. The property is situated on the north side of Half Mile Road approximately 370 feet west of the intersection of Mansfield Avenue and Half Mile Road and is shown on Assessor's Map #2 as Lot #32, being 11 Half Mile Road and located in an R-2 (residential) Zone. Michael Wallach, Bob Calve, Randall Tam, and Po Sau Tam answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and

carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 5 -2009 - The application of Neil Hauck, AIA on behalf of Nassau Mansfield Avenue LLC, 49 Mansfield Avenue. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variance. Gary Greene, Jeff Williams, Vic Capellupo, Al Tibbetts, and John Ashburne voted in favor of the motion.

CALENDAR NO. 6 -2009 - The application of Brian Lovegrove, 320 West Avenue. Upon a motion by Al Tibbetts, seconded by Gary Greene, the ZBA voted 5-0 to GRANT the above delineated, requested variance. Gary Greene, Jeff Williams, Vic Capellupo, Al Tibbetts, and Polly Davis voted in favor of the motion.

CALENDAR NO. 8 -2009 - The application of William J. Hennessey, Jr., Esq. on behalf of Normandy Darien Holdings LLC, Normandy Real estate Partners LLC and Darien Green, 320-330 Boston Post Road. Upon a motion by Al Tibbetts, seconded by Polly Davis, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART the above delineated, requested variances. Gary Greene, Polly Davis, Vic Capellupo, Al Tibbetts, and John Ashburne voted in favor of the motion.

CALENDAR NO. 9 -2009 - The application of James Hines on behalf of Archibald Russell, 10 Libby Lane. Upon a motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 5-0 to GRANT the above delineated, requested variance. Gary Greene, Jeff Williams, Vic Capellupo, Al Tibbetts, and Polly Davis voted in favor of the motion.

CALENDAR NO. 10 -2009 - The application of Scott M. and Julie L. Johnston, 27 Beach Drive. Upon a motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 5-0 to GRANT WITH A STIPULATION the above delineated, requested variances. Gary Greene, Jeff Williams, Vic Capellupo, Al Tibbetts, and John Ashburne voted in favor of the motion.

CALENDAR NO. 7 -2009 - The application of Michael Wallach on behalf of Randall & Po Sau Tam, 11 Half Mile Road. Upon a motion by Al Tibbetts, seconded by Polly Davis, the ZBA voted 5-0 to GRANT the above delineated, requested variances. Gary Greene, Jeff Williams, Vic Capellupo, Al Tibbetts, and Polly Davis voted in favor of the motion.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Approval of Minutes of meeting on March 18, 2009. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Ruth Anne Ramsey, John Ashburne, and Polly Davis. Upon a motion by Vic Capellupo, seconded by Polly Davis, the ZBA voted 3 -0 to APPROVE the subject minutes. Vic Capellupo, Polly Davis, and John Ashburne voted in favor of the motion. Chuck Deluca and Ruth Anne Ramsey also previously indicated their approval.

Approval of Minutes of the following public hearing conducted on December 17, 2008, January 14, 2009, and February 11, 2009. This application was withdrawn on March 17, 2009. ZBA members participating in this hearing were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Polly Davis. Upon a motion by Gary Greene, seconded by Polly Davis, the ZBA voted 4-0 to APPROVE the subject minutes. Gary Greene, Vic Capellupo, Jeff Williams, and Polly Davis voted in favor of the motion. Chuck Deluca and Ruth Anne Ramsey also previously indicated their approval.

Calendar #63-2008 Post Road Eleven, LLC, 1292 Boston Post Road

The meeting was adjourned at 9:50 PM.

These Meeting Minutes were reviewed by the attending ZBA members, and upon a motion by ..., seconded by ..., approved ... at the ZBA meeting on ..., 2009. ...voted in favor of the motion. ... also (or previously) indicated his/her approval.

Respectfully submitted April 1, 2009,
by Robert Woodside,
Code Compliance Officer
ZBA Staff